

### **REMARKS/ARGUMENTS**

Claims 1-6, 8, 11-20, 22-25, 27-30 and 32-37 remain in the application.

Claims 7, 9, 10, 21, 26 and 31 have been cancelled.

The allowance of claim 35 is noted with appreciation, as is the allowance of claims 5, 6, 8, 18-20, 27, 28 and 32 subject to being rewritten or amended to overcome the rejection of claims 1-6, 8, 11-20 and 22 under 35 U.S.C. § 112, second paragraph.

Regarding the 112 rejection, the Examiner states it is unclear what is meant in claim 1 by the phrase "the mounting hole having a width that extends widthwise inwardly and outwardly of the end lengths of just the other side wall ...". To overcome this rejection, claim 1 has been amended to recite that the mounting hole has a width that extends widthwise outwardly beyond the end lengths of the other side wall. Also page 4 of the specification has been amended to provide support for this claim language, which is clearly supported by the original drawings and specification. Accordingly, claims 5, 6, 8, 18-20, 27, 28 and 32 are now presumed allowable.

Claims 1-3, 15 and 22-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mariol et al (U.S. Patent 4,596,489). Briefly it is the position of the Examiner that one of the opposite side walls 55 of the base member 10 of Mariol et al is substantially straight and in substantially the same plane throughout its length, and the other side wall has an intermediate length that is spaced further from the plane of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths.

However, the side walls 55 of Mariol et al are mirror images of one another and thus do not have the different shapes suggested by the Examiner. Moreover, claims 1 and 23 have been amended more particularly to recite that the opposite side walls are non-symmetrical, and that the one side wall has an intermediate length that is straight and in the same plane throughout its length and height, and that the other side wall has an intermediate length of substantially less length than the intermediate length of the one side wall that is spaced further from the plane of the intermediate length of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths for the mounting hole, which is clearly nowhere disclosed or suggested in Mariol et al. Also page 3 of the specification has been amended to provide antecedent basis for this claim language, which is clearly supported by the original drawings and specification. In addition, claim 23 recites that the intermediate width of the base member is at least twice as wide as the end widths. In contrast, the intermediate width of the base member of Mariol et al is about 1¼ times as wide as the end widths. Accordingly, claims 1 and 23 are submitted as clearly allowable.

Claims 2, 3, 15 and 22 depend from claim 1 and claims 24 and 25 depend from claim 23 and are submitted as allowable for substantially the same reasons. Moreover, claims 2, 3, 24 and 25 further patentably distinguish over Mariol et al by reciting, *inter alia*, that the end lengths of the other side wall are in alignment with each other in parallel spaced relation from the intermediate length of the one side wall and the mounting hole has a center axis that extends in a direction

perpendicular to an intermediate length of the top wall which plane is also perpendicular to the intermediate length of the top wall. It is respectfully submitted that any horizontal plane that passes through the mounting hole center and through all the end lengths of Mariol et al as contended by the Examiner would not be a plane which is perpendicular to the intermediate length of the top wall and contain the center axis of the mounting hole and the end lengths of the other side wall as recited in these claims.

Further, the outwardly angled end portions of the other side wall of Mariol et al are remote from the mounting hole rather than adjacent opposite sides of the mounting hole to resist flexing of the mounting hole wall as further recited in claims 3 and 25.

Claim 15 also further patentably distinguishes over Mariol et al by reciting that one of the top and bottom walls has a plurality of axially spaced apart stacking ribs and the other of the top and bottom walls has corresponding recesses for receipt of the stacking ribs of other such base supports to maintain a plurality of the base supports in stacked relation when stacked one on top of another. The grooves 89 and 90 in the bottom wall of Mariol et al extend perpendicular to the raised ribs in the top wall and thus the raised ribs on one such member would not be received in the grooves of another such member to maintain such members in stacked relation when stacked one on top of another as claimed.

Claims 4, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stalzer (U.S. Patent 4,275,535).

According to the Examiner, it would have been obvious from the teachings of Stalzer to have had the hole of Mariol et al extend completely through the base member (as recited in claim 4), in order to be able to extend the elongated support into the ground. However, claim 4 depends from claim 1 and is submitted as allowable for substantially the same reasons.

Moreover, claims 29 and 30 recite that the mounting hole is substantially square and has a plurality of laterally spaced longitudinally extending ribs on all four sides that are transversely rounded for establishing line contact with a similarly square shaped end portion of an elongated member when inserted into the mounting hole substantially as recited in allowed claims 27 and 28. Accordingly, claims 29 and 30 are also submitted as clearly allowable.

Claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al (U.S. Patent 5,356,108). However, claim 36 recites a carrying handle attached to the other side wall of the base member extending axially from the exterior of one end portion of the intermediate length of the other side wall along an exterior portion of one of the end lengths of the other side wall substantially as set forth in allowed claim 18 and is submitted as allowable for substantially the same reasons.

Claims 11, 14 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al and Kulp et al (U.S. Patent 6,659,681). However, claims 11 and 14 depend from claim 8 which has already been allowed, and claim 33 depends from claim 29 and is allowable for substantially the same reasons. Moreover, claims 11, 14 and 33 further

patentably distinguish over the cited references by reciting, *inter alia*, annular anti-skid pads having a diameter greater than the width of the end portions of the base member attached to the bottom wall at the end portions. For these claim features, the Examiner relies on Kulp et al, contending that it would have been obvious from the teachings of Mariol et al and Stagl et al to have added anti-skid pads. However, the anti-skid pads 386 of Kulp et al are four raised pads molded into the extreme corners of the base as shown in Fig. 8, not annular anti-skid pads having a diameter greater than the width of the end portions of the base member attached to the bottom wall at the end portions as recited in these claims. The Examiner acknowledges that Kulp et al does not teach the diameter of the skid pads is larger than the end portions, but contends that this would be an obvious permutation of having anti-skid pads because it would be obvious to have them larger for more friction. However, it is respectfully submitted that the Examiner has modified these references in light of applicants' present teachings and certainly not from any teachings or suggestions found in the cited references, which is clearly improper.

Claims 12 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al and Kulp et al and further in view of Pinsky (U.S. Patent Publication No. 2004/0025899). However, claim 12 ultimately depends from allowed claim 8 and claim 34 ultimately depends from allowable claim 29 and are submitted as allowable for substantially the same reasons. Moreover, these claims further recite that the bottom wall of the base support has arcuate recesses at the end portions in which arcuate portions of the

anti-skid pads are received to aid in locating the anti-skid pads on the bottom wall at the end portions. For this feature, the Examiner relies on Pinsky, contending that it shows a base which has anti-skid pads 309 which are located in recesses (see Fig. 5) in order to be able to easily locate the pads during mounting.

However, the anti-skid pads 309 of Pinsky are rubber feet that are received in flanged openings extending below the bottom wall of the apparatus; not arcuate recesses in the bottom wall of a base member at the end portions in which arcuate portions of annular anti-skid pads having a diameter greater than the width of the end portions are received. Accordingly, claims 12 and 34 are submitted as allowable in their own right in addition to being dependent on allowed/allowable claims.

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Stagl et al and Kulp et al and further in view of Beck (U.S. Patent 5,467,977). According to the Examiner, it would have been obvious from the teachings of Beck to have stapled the anti-skid pads of the combined teachings of Mariol et al, Stagl et al and Kulp et al to the ends of the wall portions in order to firmly adhere the pads to the desired device. However, Beck shows anti-slip material 16 fixed to the mound 1 by folding its edges upward along peripherally extending wood strips 10 and 12 and stapling the edges to the wood strips as shown in Fig. 6 (column 3, lines 60-64), not attaching annular anti-skid pads having a diameter greater than the width of the end portions to the bottom wall at the end portions by staples as recited in claim 13. Accordingly, claim 13

is submitted as allowable in its own right in addition to being dependent on allowed claim 8.

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mariol et al in view of Matherne et al (U.S. Patent 5,377,976). According to the Examiner, it would have been obvious from the teachings of Matherne et al to have added an exterior handle to the base support of Mariol et al in order to help in moving the base member. However, these claims depend from claim 1 and are submitted as allowable for substantially the same reasons.

New claim 37 depends from claim 36 and additionally recites that the base member is substantially hollow and has a fill hole adjacent the end of the base member toward which the carrying handle extends to allow the base member to be filled with a flowable ballast material through the fill hole when the base member is stood on the other end. The Examiner acknowledges that Mariol et al does not teach a base member that is substantially hollow and has a fill hole adjacent one end, but contends it would have been obvious from the teachings of Stagl et al to have made the device of Mariol et al hollow with a fill hole in order to weight the base so it will not tip over. However, it is respectfully submitted there is absolutely no disclosure or suggestion in Stagl et al (or any of the other cited references) of providing a fill hole adjacent the end of the base member toward which the carrying handle extends. This allows the base member to be grasped by the handle and stood on the other end during filling of the support member with a flowable ballast material through the fill hole. Accordingly, claim

37 is submitted as allowable in its own right in addition to being dependent on claim 36.

For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1-6, 8, 11-20, 22-25, 27-30 and 32-37, and early action to that end is earnestly solicited. Should the Examiner disagree with applicants' attorney in any respect, it is respectfully requested that the Examiner telephone applicants' attorney in an effort to resolve such differences.

In the event an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Attorney Docket No. PSSIP0115US).

Respectfully submitted,

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